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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,846	04/02/2004	Ingmar Hentsch	740116-512	9447
25570	7590	05/19/2006	EXAMINER	
ROBERTS, MLOTKOWSKI & HOBBS			BLOUNT, ERIC	
P. O. BOX 10064			ART UNIT	PAPER NUMBER
MCLEAN, VA 22102-8064			2612	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/815,846

Applicant(s)

HENTSCH ET AL.

Examiner

Eric M. Blount

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,7-9,15,17,18,20,21,23,24,26,27 and 29-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7-9,15,17,18,20,21,23,24,26,27 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 29-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11282005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. The indicated allowability of claim 13 is withdrawn in view of the newly discovered reference(s) to Boschini. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1, 15, and 27** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "can be" renders the claim indefinite because the scope of the claim(s) unascertainable. It is unclear whether the limitations following the phrase are essential to the invention and thus must be considered during examination. See MPEP § 2173.05(d).

Regarding claim 15, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 27 recites the limitation "the pertinent system function" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 15, 17, 18, 20, 21, 23, 24, 26, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boschini [US 5,600,323] in view of Irvin [US 6,424,056].

As for **claim 1**, Boschini discloses a telecontrol system with a plurality of functional ranges selected by detection threshold. The system comprising:

- a. At least one motorized motor vehicle side control (column 3, lines 36-41);
- b. An operated side mobile part (column 3, lines 33-35);
- c. The vehicle side reception level can be measured by the control, wherein from the measured reception level the distance of the mobile part from the motor vehicle is determined by the control and the control enables or blocks the triggering of the system functions depending on the determined distance (column 3, lines 13-32 and column 2, lines 6-18);
- d. The control enables triggering of the system functions only when the mobile part is located within a predetermined distance range around the vehicle; and wherein the control enables system functions triggered by the mobile part where two distance ranges are used and wherein the system functions are assigned to different distance ranges and

the control enables triggering of a system function when the mobile part is located within the distance range (Figure 2 and column 2, lines 6-32).

Boschini does not disclose a Bluetooth interface. In an analogous art, Irvin discloses a keyless entry system for a vehicle. The system includes a motor vehicle side control (40) and an operator side mobile part (12). The control and mobile part include communications electronics that create a bi-directional wireless link between the control and mobile part. At least one system function is the locking of motor vehicle doors triggerable via the wireless link (column 2, lines 45-57). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Boschini to include a Bluetooth interface as taught by Irvin because the modification would result in a motor vehicle door locking system that could take advantage of the low-power and short-range communication features of the Bluetooth protocol. The Bluetooth interface would allow the devices to automatically recognize other devices once the devices came into communication range with one another.

As for **claims 15, 17, 18, 20, and 21**, Boschini discloses that at least one system function triggered by the mobile part further comprises activation of the front end lights or unlocking of motor vehicle locks (column 2, lines 25-32).

Regarding **claims 23 and 24**, one of ordinary skill in the art would have recognized that authentication intervals are obvious delays associated with a Bluetooth connection setup. These intervals would obviously take place once the vehicle side control and mobile part were in communication range of one another.

Regarding **claim 26**, Boschini discloses that at least one system function can be triggered by manual actuation of the mobile part (column 4, lines 13-35)

As for **claims 32**, both Boschini and Irvin disclose different vehicle functions may be controlled. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that commonly used functions such as unlocking the doors and opening the rear hatch of a vehicle could be included. The inclusion and exclusion of particular system functions is viewed as a matter of design.

As for **claims 33 and 34**, Boschini shows in Figure 2 that at least one of the distance ranges are circular.

6. Claims 7-9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boschini in view of Irvin as applied to the claims above, and further in view of Chein [EP 1 143 089 A2].

Regarding **claim 7**, neither Boschini nor Irvin disclose a passive entry function. In an analogous art, Chein discloses a RKE system wherein a motor vehicle door locking system includes a passive entry function. As an operator approaches the motor vehicle, the control, after analyzing the signal triggers, an action interval for unlocking the motor vehicle lock (paragraph 12). It would have been obvious to a skilled artisan that when Bluetooth technology is used, as taught by Irvin, that starting and authentication intervals would have to take place before an action would be triggered. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the inventions of Boschini and Irvin to include passive entry functions as taught by Chein because the modification would result in a motor vehicle door locking system that would eliminate the need for a user to press a button for

controlling a vehicle function. Thus, a user could control certain vehicle functions even when both hands were occupied.

As for **claims 8 and 9**, a Bluetooth connection setup must obviously take place between the two parts taught by Irvin. One of ordinary skill in the art would have recognized that all of the necessary time intervals for a Bluetooth communication would be needed in the invention.

Regarding **claim 27**, one of ordinary skill in the art would have recognized that when the Boschini and Irvin references were modified to include the passive functions as taught by Chein that pertinent system functions would be automatically triggered when the mobile part moved into an appropriate distance range.

#### *Allowable Subject Matter*

7. Claims **29-31** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2612

  
THOMAS MULLEN  
PRIMARY EXAMINER

AV 2612

5-15-06

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